



## MEETING SUMMARY

**CALIFORNIA WATER PLAN UPDATE 2013**  
**TRIBAL AC – TRIBAL WATER SUMMIT PLANNING MEETING**  
**11:00 A.M. – 5:00 P.M.**  
**CCP LARGE CONFERENCE ROOM, 815 S STREET SACRAMENTO, CA**

### MEETING OBJECTIVES:

1. Review and develop draft TWS agenda.
2. Finalize Save the Date and elevator speech.
3. Update on fund-raising

### Table of Contents:

Welcome and Introductions .....	1
TWS Draft Agenda Concepts .....	2
Elevator Speech and Save the Date Announcement .....	8
Update 2013 Tribal Content.....	9
Next Steps .....	10
Attendance .....	10

## Welcome and Introductions

Harry Williams asked to provide some opening remarks as they are reported here:

“For well over 10,000 years, human beings have occupied a vast area of Earth with deserts, mountains, giant forests, coastal paradises with valleys of every description and every kind. Today it is called California. Today the humans of California are called Indians or Tribes. One of the most important survival techniques of the Tribes was living in a balance with Mother Nature. They were always aware that to live out of balance with Mother Earth meant doom. Today, Californians have extinguished the thought of living in the balance with Mother Earth. Fortunately, the Tribes still believe in their survival techniques of loving their Mother Earth. That’s why the Tribes are still here today, because of the heritage of adaptation to their surroundings. All around California there are changes to the landscape. Californians need to be better stewards of their homeland, and treat it like it’s their homeland and their Mother. A quality of life is what living with Mother Earth is. No place on Earth is like California. California is a leader in the survival of all of mankind. The world will follow it if we humans of California teach them to love their Mother Earth like their Tribes do. Pray to the Earth, touch her gently. An old Indian saying goes, “If you don’t take care of Mother Earth, Mother Earth won’t take care of you.” Water is life, life is water. Add water – you get life; no water – death. Today, Californians move water all around the State, sucking the life and color of one place and moving that life and color to another place. How out of balance this is. California, a mankind leader, needs to practice and teach the world: to love and respect all life, big and small; to use smart practices of rainwater



collection and desalination; to stop using more water than they need; to have better storage and recycling. This will lead to a better quality of life in all of California.”

Ron Goode began the meeting with an opening prayer and asked for guidance to get to the point that Harry Williams described, protecting the water that comes from Tribal ancestral villages. Stephanie Lucero then conducted a brief review of the agenda for the Tribal Water Summit (TWS) planning team.

## TWS Draft Agenda Concepts

Some draft agenda concepts were introduced for the TWS. Day 1 is dedicated to three main themes: Tribal Ecological Knowledge, Watershed Management and Land Use, and Water Rights. Day 2 concepts included an update on statewide efforts, lessons learned and working sessions for implementation teams.

### Discussion, Comments:

- Add an opening prayer (5 minutes)
- Opening remarks should include a progress report/status date (what has happened since the 2009 TWS).
- How are the three themes related to Update 2013 deliverables? (What would Tribes and agencies like to see come out of this?)
- Day 2 attendance is always a little less. Think about priorities and staging of agenda.
- Like breakout sessions for candid discussion – should there be caucuses for Tribes or agencies only? The intent has been for agencies and Tribes speaking together, to understand each other’s perspectives. Breakout sessions can focus on specific topics/aspects. Breakout sessions involve people and allow them to talk. Should there be breakout sessions or a discussion of the group as a whole?
- Will need a recap on Day 2, to help refine the plan.
- There are three sets of conversations, want to talk about implementation while thoughts are fresh – rather than trying to reconstruct that on the next day. Three topics can’t be covered in one day. Background needs to be part of the presentation. Do wrap up and summary of where we’re going later on Day 2. Ask staff and leaders to be there for both days.
- Pework is needed in the months in advance of the Summit to help shape the discussions.
- Having outcomes and deliverables does a lot for supporting involvement and representation by Tribes. Showing Tribal input on outcomes.
- The Update 2013 agenda concepts continue the themes from Update 2009.
- What is the overarching theme for the Summit? It’s all inter-connected. It’s whole system.
- Each Tribe will have specific topics that they want to discuss, there are also commonalities. Put those commonalities into the agenda. Highlight the common threads.
- Let’s talk about commonalities. What are the commonalities that the Tribes are thinking about this? It’s also good to think about what will happen at the end of the Summit and implementation. My top 5 commonalities would be: communication, consultation, our legal rights and agencies understanding legal obligations, TEK and water rights.



- Need to talk and communicate as equals. A people-to-people interaction, that recognizes we all have contributions to make.
- Looking at it from the user, who is coming to the TWS? Who is coming in with misperceptions, from both sides? Everyone needs to be clear on the legal issues and consultation and communication issues. Tribes want to be taken seriously, don't know how that gets worked in. That can get brought in during the introduction or during the imaging. Everyone needs to know what the playing field is and what the definitions are for consultation. Does this belong in the TWS? Don't know.
- What needs to be discussed is whatever the Tribes want to talk about. Water rights need to be given a lion's share of time. Tribal Ecological Knowledge needs its fair share. As far as consultation – there's a big difference between Federal and non-federal. There should be consultation on emergency management.
- Communication, collaboration and consultation is the commonality.

## *Tribal Ecological Knowledge and Practices*

- What would this cover? A deliverable might be to work towards TEK being taken seriously. We want to hear statements that represent shifts in thinking. How do we overcome obstacles to achieving that?
- Climate science centers are awarding funds for science projects strictly for universities – only two Tribal members are involved so far. There should be a review of what is coming down from the Federal government.
- There is huge resistance from academia.
- Are trying to stay away from terms like “cultural knowledge” or “cultural resources.” Culture/cultural means the whole land – the animals and everything. It doesn't mean the Tribe. The health of the meadow includes the entire culture of the land. Cultural efforts won't get funding. Words like “cultural” and “traditional” aren't viewed as science.
- Collection of mushrooms and leaving spores behind to be able to collect in the future.
- Include poster sessions – showing projects, models, studies and data collection. Inventorying areas for groundwater recharge. Show other agencies what Tribes do with what they have. Highlight partnerships and creative approaches. Example: Hitch project. Map everything that is going on. [Poster Session – Day 1]
- Don't want to be vague about TEK – make sure it is plugged into Federal, State and local efforts. TEK and interconnectedness (not TEK and planning).
- This should be about acknowledgement of Tribal ecological knowledge and practices. Show agencies where Tribes are doing and where they are headed. Want Tribal ecological practices acknowledged in the Water Plan. Agencies can show how they incorporated Tribal knowledge.
- This is about how to acknowledge and incorporate TEK.
- In Lake County, Tribes are growing native plants for restoration. Native plants are a big focus. It will help to provide examples of where this would be done.
- Instead of a “panel” – want to incorporate TEK and agencies. Discuss who has native gardens: who are their partners and stakeholders. How is youth involved?



- We need examples of collaborative efforts – like the Natomas drain. Being involved throughout the whole process.
- The Miwok restructured GAP program to address Tribal EK and offered stipends to Tribal members (through NRCS funding). In-the field experience on properties is invaluable. EPA accepted the information from the study. Showing that connection, with the EPA approval of data, with NRCS grant, with building Tribal capacity – this was invaluable.
- When submitting proposals, avoid the word “cultural” with knowledge. Cultural interests (such as maintaining and preserving land and waters for the Tribe) are described in terms of ecological knowledge.
- Tribal references and knowledge are often discounted, with preference for academic credentials.
- Acknowledging TEK and practices – this ties back to consultation. Consultation falls under Tribal rights. How will this be presented? How will this look like in the plan? Acknowledging TEK and practices is about consultation. If they consult with us, then TEK and Tribal practices can be shared.
- Back to how natives think, individuals are not the big hoo-ha, each is a part of what’s going on. The ego guides so much of this. This is about validation: of rights, of knowledge, of our homes, of what is being done. This is what it’s all about. What is our place on this Earth? Man is like a huge parasite and has screwed it up, because of being ego-based. The Indian perspective of being with it, living with it, doing the right things, and the inter-connected of this – we have to find a way to insert this. It can’t be all about “me,” it’s about our place on the Earth and how we live with it. We’ve been on hammering on TEK for years. Because we didn’t get validation and have not been taken seriously, have taken this to a level that non-natives understand – through legal challenges. We don’t need to be blunt about what we’re trying to get across: communication, validation, inter-connectedness. This needs to be right up front. Anger can create defensiveness. We can be subtle and plant seeds. Lead them along, show them a different way.
- Practices are generally based on knowledge or world view. Support this as a topic. Buy into what has been said. Personally, am pessimistic. With more technology and growing populations in cities – people are disconnected from the natural world. In each generation, we are pulling ourselves further away and insulting ourselves from the natural world. It will be hard to reach the social psyche and have some meaningful way to help them understand that they are interconnected.
- If this topic focuses on recognizing the existing expertise, if it works towards incorporating TEK into the mandates of Water Plan, then this will be helpful. Beyond consultation, we want consent. We want input into solutions. That’s consultation.
- Really like the topic. The EPA already acknowledged the role of TEK in environmental science, policy and decision-making. Tribal knowledge is a science. It will be important to the Tribes to have that knowledge acknowledged, and to acknowledge the relationship between Tribes and water.



- Add state/local government entities (“public” entities) are water users (TID, MID), say Federal/State/local-Tribal-private partnerships
- Private as individuals or NGOs
- Add Tribal as speakers/presenters
- When working with the Forest Service to restore a spring to full water, agencies don’t address cultural resources in their plans (such as sedge root on a drainage). Department of Fish and Game don’t address cultural resources in their plans. Need to have Fish and Game at the Summit.
- Whole system approach: recently finished an addendum to the Forest Service Plan. This was designed to help change the way of thinking about what needed to be looked at, and how to look at it. It started with a full diagram of a circle. Helps them with to understand that we are borrowing from future generations. We are concerned with the land, the water, the fire, the overgrowth, global warming and climate change. It’s the thinking from the last 150 years that got us here. We’re here to try and make things right.
- What you are saying is absolutely correct. To help people come into a session without pre-conceived notions, guided imagery can help accomplish that. This helps create a vision and setting aside preconceived notions. The imagery can help them set aside initial thinking and look at fixing things in a whole different way. We are trying to foster communication and understanding, to help others see our view. Non-Tribal people tend to associate themselves with their education and career. Tribal people think of themselves as a family. Guided imagery helps loosen up thinking. (This can happen at the introduction.)
- We did that last time, saying that it was time for a lesson.
- Agencies think in segmented ways (flood, environmental) – that’s all they know, that’s what their supposed to be good at. Guided imagery shows connectedness. Agencies don’t understand how all parts are connected. This is how Indians believe things are sustainable. This will help remind agencies of the broad range of experience and knowledge that they bring. You are having your own vision based on what you are being led through.
- Watershed management does need to be in the Summit. Watershed management and land use is what it’s all about.
- As a topic, what do we want to discuss regarding watershed management and land use? There is value in talking about water quality. Restoration includes fire regimes. Watershed management is something that we deal with daily. For the Forest Management RMS, we drafted the approach to the whole system, allowing people to share their expertise and have that documented. People expressed what life in the forest meant, from a whole system perspective, included ranchers, urban dwellers and others.
- Include the water-dependent cultural RMS as a sub-topic.
- A lot will be covered under the topic of TEK. It might be good to have communication, collaboration and consultation as the third topic.
- The purpose of TWS is to encourage other Tribes to become active. Think much will be covered in TEK, that expertise already exists. Watershed management might be a sub-topic under TEK. It provides a directive.
- These themes could be addressed in two equal parts: TEK – emphasizes knowledge; watershed management addresses practices. Provide examples of programs.





- Tribal rights should stand on its own. The goal is to increase the awareness of agencies, so that Tribal efforts go into their management plans. Tribes don't need this – they're already doing this. This is what we want agencies to do. We are explaining that this is our science, this is how it works - then land management is what we'd like to implement through agency programs.
- Watershed management is a major topic and it needs to be discussed. It does go to TEK - which is a separate topic, and more about philosophy. Philosophy is based on knowledge, practice is based on philosophy. Tribes are still being asked to only contribute small aspects of management plans. It's an integrated approach. "Consultation" doesn't mean that Tribal perspective will end up in the management plan. If we need something with consultation, let's create a consultation plan, like we did for communication.
- Watershed management is a major issue for Tribal lands. Watershed management and land use – and how this impacts and defines Tribal lands – was not well addressed or identified in 2009. This is an important topic and deserves to its own agenda item.
- Watershed management ties right in with the collaborative process. There are collaborative projects with Federal agencies. This ties in with the major complaint that agencies aren't listening to Tribes. This topic allows Tribes to put forward examples of what they are doing on the ground. Consultation might be there as well – how well is it working? Tribes have responsibilities to hold the Federal government accountable. It's a theme.
- Watershed management and land use should be a separate topic - it ties to TEK and communication, collaboration and consultation.

### *Water Rights*

- The Water Boards didn't purchase water rights from Tribes. Various rights were written into documents that were never ceded away – the 1849 Pre-exemption Act and Treaty of Guadalupe Hildago support aboriginal water rights.
- This is a primary topic. Tribes have never given up their water rights, these have been taken and abused.
- In setting up an agenda for a Tribal water summit, what are the main questions and issues that Tribes are concerned about regarding water? It's not consultation or validation, it is right to water. It's an inherent right to water. Tribes use water for ceremony access, sustenance access. That's what Tribes have in common: the need for water for continuance and cultural continuance. Consultation will open up a big mess. Tribes that are not federally recognized were recognized under the California Claims Act, which the BIA is supposed to honor. Let's talk about the commonalities that all Tribes need for water: guaranteed access to clean water, human right to water, access to water for ceremonies, access to water for cultural resources, access to water for cultural sustenance. Once that is defined – that this is what you have to afford Native Americans – then we can get into consultation. We need to define rights to the water in the first place, and what the needs are under those rights.
- Water rights have really never been addressed before. What's important to native Californians? Water. The one thing that needs to be stressed are Tribal rights to the water. They would have to consult with us.



- Water management makes sense to follow on to TEK. This creates a framework.
- Something needs to come from this. If we're looking for a real deliverable, it will be important to involve the Water Boards. Tribes need to be consulted on water rights allocations. For example, FERC relicensing efforts are looking to expand the area of jurisdiction to 150' from the shoreline. It used to be 50' from shoreline, is now 100'. This supports increased dam heights and, therefore, new water rights. Tribes should be consulted on water rights allocations.
- A statement of acknowledgement is needed that we are citizens of the state without allocations.
- A deliverable for the Water Plan would be a policy that California historical tribes have a right to dignified access for subsistence and cultural practices. Several laws already say that. These are innate human and indigenous rights. We want access to our ceremonies and cultural resources. We want to continue our cultural practices. Defining water rights is a separate war. The commonality is access for cultural continuance. When the fallout from the Water Rights occurs, we'll go forward with Tribal rights never having been abrogated. Water rights should be the whole summit.
- Water access is common respect: we don't stop flows to cities when there are shortages. It's about tone and respect. Tribes want to be able to live the way we've lived for the past 10,000 years. We were the first humans on this land and took care of this land.
- Tribal water rights will bring Tribes to the Summit.
- Maybe it's framed as "Indigenous Rights and Water." Tribal water rights mean different things to different people. It's about uses and sources of water.
- The Federal government should acknowledge that all Tribes have water rights – it was intent that was stripped.
- Can be framed as innate, indigenous rights to water.
- The elephant in the room is legal right and adjudication – it needs to be mentioned and clarified.
- It's more than Federal water rights, it's about Tribal uses and State water rights. It's about California indigenous rights to water. It's more than the water rights of individual Tribes, water management needs to look at how the whole watershed system works.

## Discussion on *Consultation*:

- Beyond consultation, we want consent. We want input into solutions. That's consultation.
- When talking about consultation, Tribes need to be consulted first and immediately, with time for due process to review. There needs to be consent on any tribal content put into a document. Tribes need to be consulted first and last. There are oral traditions, which should not be put into a document – but referred back to the Tribe that originated it.
- Consultation refers back to common respect. It is about having discussions and reaching common agreement.
- The word "consultation" is frustrating – it means different things for different Tribes and depends on which agency you're talking to.
- All Tribal groups are on the same footing. Tribes have allotments which are held under Trust. The Rancheria is federally recognized. What are doing is trying to get to the point,



making a statement that we need to be consulted with. The TWS will not be able to sort out consultation. SB18 requires consultation for all California Native American Tribes. Other policies, efforts and formats are beginning to sort this out. Consultation will have to consider the different levels of recognitions.

- Federal agencies have consultation requirements and need to comply with State law and consult with Tribes in their area.
- As far as consultation – there's a big difference between Federal and non-federal. There should be consultation on emergency management. Tribes should be developing their own consultation policies and spelling out what their expectations are for State agencies.
- Communication, collaboration and consultation is the commonality. See it as 15 minute item after Cynthia's remarks. Watershed management often involves collaborative partnerships with Federal agencies. Is consultation working? Federally-recognized Tribes have a responsibility to hold Federal agencies accountable.

#### General Comments for Organizing the TWS Agenda:

- Day 1: Acknowledgement of Tribal science is needed first. Then have the discussion of rights and Tribal uses.
- This sets up a framework for the whole system – which get incorporated into watershed management. (There was agreement with this as a process of reverse assimilation.)
- Day 1 opening remarks should include a recap of where we've been, what's been done since 2009. The theme of communication, collaboration and consultation should be highlighted.
- Participants should be asked to attend for both days.
- For a deliverable, for water issues, the Water Plan should say that Federal and State agencies need to follow state law (SB18).

## Elevator Speech and Save the Date Announcement

There was a discussion about how to highlight the important aspects of the TWS that will be inspiring for people to come and participate – something that will be inspiring for both Tribes and agencies. It was suggested that an overarching theme be identified for the Summit.

Initial brainstorming brought up the following potential themes:

- Interconnectedness
- Interconnectedness of Water
- Connecting the past, Present and Future: Indigenous Rights, Uses and Management of Water
- We All Come From the Same Water
- We All Drink from the Same Water of Life (put the words in a circle around the logo, this shows the inter-connectedness)
- Collaborating with Tribes on Many Levels





It's also about the State inviting Tribes to participate in their efforts. When there is a large meeting on mass transit, Tribes don't come. When there is a discussion about a particular route that crosses a Tribal gathering area, then Tribes come. People want to know why they should come and participate. Leveraging resources will allow everyone to meet their goals and requirements and to access different funding sources.

How do we leverage all of what we talked about? The goal of the Summit is to leverage the strengths of working together in addressing Tribal water issues. We are leveraging strengths and resources.

California Indigenous Rights, Uses and Management of Water:  
Leveraging the Strengths of Tribes, State and Federal Agencies in Collaboration

At the 2009 Tribal Water Summit, there were over 300 participants. This is the largest gathering of Federal, State and Tribal leaders addressing complex water issues in California.

The goals are to:

1. Develop a dialog of mutual respect between agencies and tribes on water issues.
2. Maximize resources and ensure legal compliance for agencies and tribes through effective partnerships

## Update 2013 Tribal Content

The production timeline for the Update 2013 drafts was reviewed. There will be a working draft (or Advisory Committee draft) that will have a phased release starting in July of this year. A revised version of this working draft will be sent to DWR Executive for an Administrative Review in the fall of 2012. The Public Review Draft is projected to be released in April 2013, for further review and refinement. The final draft will be released in 2014.

Tribal content is being sought for both Update 2013 and the Summit. Tribal content includes a variety of material:

- References, reports
- Regional descriptions
- Statements that need to be made, paragraphs or draft text for major themes
- Samples of MOUs or partnering agreements
- Examples of collaborative or resource projects
- Edits to existing (Update 2009) text
- Maps

An online survey is available to provide information for Tribal content at:

[www.surveymonkey.com/s/tribal-content](http://www.surveymonkey.com/s/tribal-content). Staff are also available to interview Tribal representatives if they prefer not to provide information online. Kimberly Johnston-Dodds is also collecting material for the Water-dependent Cultural Resource Management Strategy.



At some point, staff will start working on formatting the text for publication. Staff will also try to develop information for any gaps that exist. This working draft will then be available for Tribal review this fall. Further comments can be made on the Public Review Draft released (under the current schedule) in April 2013. Comments that have already been submitted will be directed to the appropriate authors, such as those for Resource Management Strategies and Regional Reports.

## Next Steps

- The reworked TWS agenda will be sent to all those who participated in today's meeting and will then be sent to the Tribal AC in advance of the July 12<sup>th</sup> meeting.
- Create a template for Tribes to send to agencies for participation in Summit.
- Look at the pre-work, training elements that should be considered in leading up to the Summit. (e.g. Water Boards' water rights; CalEPA training on basics of sovereignty)
- Gary Mulcahy will provide specific references on clauses and laws pertaining to California Tribes. (Water rights for the unratified 18 treaties didn't go anywhere. The rights were tied to ceded land. When treaties weren't ratified, those lands were used to create National Forests on lands that were never ceded.)
- Next TWS meeting on Friday, July 13<sup>th</sup> from 9 a.m. – 1:00 p.m.

## Attendance

**Paula Britton**, Habematolel Pomo of Upper Lake  
**John Covington**, Morongo Band  
**Rob Cozens**, Resighini Rancheria  
**Ron Goode**, North Fork Mono Tribe  
**Mike Hostler**, Trinidad Rancheria  
**Chuck Jachens**, Bureau of Indian Affairs  
**Michael Kitchell**, North Fork Mono Tribe  
**Gary Mulcahy**, Winnemem Wintu  
**Caleen Sisk**, Winnemem Wintu  
**Emily Alejandrino**, DWR Tribal Coordinator Work Team Lead  
**Tim Nelson**, DWR, North-Central Office

## Via Webinar

**Donna Miranda-Begay**, Inter-Tribal Council of California, Tubatulabals of Kern Valley  
**Sirirat (Tia) Chullakorn**, Kashia Band of Pomo Indians of Stewart's Point  
**Atta Stevenson**, Cahto Tribe, Laytonville Rancheria  
**Stephanie Suess**, Tuolumne Band of Miwok  
**Tito Cervantes**, DWR, Northern Regional Office  
**Abimael Leon**, DWR, South-Central Regional Office  
**Jennifer Wong**, DWR, Southern Regional Office

Facilitation Team: Stephanie Lucero, Tribal Facilitator; Judie Talbot, facilitation support; Center for Collaborative Policy, CSU Sacramento